

ASSEMBLY BILL

No. 330

Introduced by Assembly Member Saldana

February 18, 2009

An act to add Section 15005 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 330, as introduced, Saldana. Elections: voting devices.

Under existing law, an elections official is required, no later than 7 days prior to an election, to conduct a test or a series of tests to ensure that every device used to tabulate ballots accurately records each vote. Existing law also authorizes qualified political parties, a bona fide association of citizens, or a media organization to have not more than 2 representatives present to check and review the preparation and operation of the tabulating devices and the programming and testing of those devices at any or all phases of the election.

This bill would require the county elections official to provide at least a 5-day public notice of the date, time, and location of the test or series of tests of the tabulating devices and the preparation and operation of those devices and the programming and testing of those devices. The bill would also provide that the attendance of a representative at that date, time, and place shall be subject to the existing restrictions.

By requiring county elections officials to perform additional duties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15005 is added to the Elections Code, to
2 read:
3 15005. (a) The county elections official shall provide at least
4 a five-day public notice of the date, time, and location of both of
5 the following:
6 (1) The test or series of tests to be performed pursuant to Section
7 15000.
8 (2) The preparation and operation of the tabulating devices and
9 the programming and testing of those devices as described in
10 Section 15004.
11 (b) The attendance of a representative at the date, time, and
12 location described in subdivision (a) shall be subject to the
13 restrictions set forth in Section 15004.
14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.